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6 **MATGARITO LAGUNAS-SALAZAR** and
CLEMENTINA MONROY-MIRANDA

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 **MATGARITO LAGUNAS-SALAZAR**, an
individual; **CLEMENTINA MONROY-**
10 **MIRANDA**, an individual; and each of them
as Guardians *ad litem* of **MICHELLE**
11 **MONROY**, an individual minor,

12 Plaintiffs,

13 vs.

14 **DALE SUMMERLIN**, an individual;

15 Defendant.

Case No. **2:12-cv-867-RFB-(VCF)**

PLAINTIFFS and **PETITIONERS**
MATGARITO LAGUNAS-SALAZAR and
CLEMENTINA MONROY-MIRANDA's
PETITION FOR AN ORDER
TO COMPROMISE THE CLAIMS OF
MICHELLE LAGUNAS-MONROY, A MINOR
(Nev. Rev. Stat. § 41.200)

17 Former Plaintiffs **MATGARITO LAGUNAS-SALAZAR** and **CLEMENTINA MONROY-**
18 **MIRANDA**, ("Petitioners") the natural parents and Guardians *ad litem* of **MICHELLE LAGUNAS-**
19 **MONROY**, an individual minor child, by their counsel, Joseph N. Mott of LAW OFFICES OF STEVEN
20 J. PARSONS, upon the following Petition, petition this Court for an Order of Compromise of
21 Disputed Claims of a Minor, as provided for within Nev. Rev. Stat. § 41.200.

22 Dated: Tuesday, October 25, 2016.

23 LAW OFFICES OF STEVEN J. PARSONS

24 /s/ Joseph N. Mott

JOSEPH N. MOTT

25 Nevada Bar No. 12455

26 Attorney for Petitioners and former Plaintiffs

MATGARITO LAGUNAS-SALAZAR and

27 **CLEMENTINA MONROY-MIRANDA**

PETITION TO COMPROMISE THE CLAIMS OF MICHELLE LAGUNAS-MONROY, A MINOR
(Nev. Rev. Stat. § 41.200)

1. Petitioners, **MATGARITO LAGUNAS-SALAZAR** and **CLEMENTINA MONROY-MIRANDA**¹ are the natural parents, legal guardians and custodians of **MICHELLE LAGUNAS-MONROY**, a minor, ("Michelle") born on July 08, 2003, now age twelve (13). Petitioners and Michelle continue their long-time residence together at 365 Tierra St., Henderson, Clark County, NV 89014, within the jurisdiction of this Court.

2. On November 7, 2009, at age six (6), Michelle was a no-fault passenger in a vehicle driven by her father Mr. Lagunas-Salazar, as the family drove southbound on Nellis Blvd., a public roadway in Clark County, Nevada, north of Charleston Blvd. In attempting to execute a left turn into a shopping complex, Defendant Dale Summerlin, the "adverse" driver responsible for the motor vehicle collision, crossed other stopped traffic and drove into the path of Mr. Lagunas-Salazar's vehicle from northbound Nellis Rd.

3. Michelle endured personal injuries for which she received treatment from chiropractic physician. Copies of Michelle's records and billings are attached as Exhibit "1."² Michelle incurred care expenses of a total of Two thousand two hundred ninety-five dollars (\$2,295.00), treating with Green Valley Neck and Back Clinic and Dr. Jamie Warner.

4. The expenses of Michelle's care have yet been paid and are due the provider

¹On August 2, 2016, their individual cases having been settled, Plaintiffs **MATGARITO LAGUNAS-SALAZAR**, and **CLEMENTINA MONROY-MIRANDA** moved the Court to dismiss their claims as individuals, *with prejudice*.

Here, as Guardians *ad litem*, they Petition the Court on behalf of their minor child **MICHELLE LAGUNAS-MONROY**, as set forth herein. By way of the Stipulation the parties filed on August 2, 2016, only claims for Michelle, the minor child remain. Upon the Court's consideration of the instant Petition, the entire case will be dismissed, *with prejudice*.

²Michelle's medical records and billings are not attached to this Petition. Petitioner has filed concurrently with this Petition a Motion to File Under Seal Michelle's Medical Records. Upon the Court's Order, Petitioner will file the Exhibit under seal.

1 from the proposed settlement. Michelle was not then and is not now the beneficiary of any
2 health plan or other indemnity of her expenses. Each of her parents are marginally employed
3 in the service economy.³ Mr. Lagunas-Salazar washes others' cars when his health permits;
4 Mrs. Monroy-Miranda cleans others' houses.

5 6. In consultation with Michelle, her care provider and others, as Petitioners can
6 presently determine, Michelle has fully recovered from all diagnoses and conditions caused
7 by the incident and she does not continue to suffer any related symptoms. Petitioners have
8 asked her care provider and she has informed them that Michelle will not have need of any
9 future care because of the incident.

10 7. Petitioners continue to be Michelle's custodian parents and they remain
11 responsible for and meet all of Michelle's needs. Petitioners believe and hereby assert that
12 no needs of Michelle are presently or will be unmet. All of the net proceeds their daughter will
13 obtain from this incident can be retained for her until she reaches the age of majority on July
14 08, 2021.

15 8. As a result of the incident and the injuries Michelle endured, on behalf Michelle,
16 Petitioners made claim for damages against Rockwell Collins, Inc., an original Defendant in
17 this action and the employer-master of adverse driver Defendant Summerlin.

18 9. In resolving the long-time litigation in this case, Defendant Summerlin's former
19 employer, Rockwell Collins, Inc. has by way of compromise, offered to pay the sum of Seven
20 thousand five hundred dollars (\$7,500.00)⁴ in consideration of the Petitioners' execution for
21 Michelle of a Release of All Claims, and dismissal of the Complaint, *with prejudice*.

22 10. With the assistance of counsel, Petitioners have made a diligent inquiry and
23 investigation to ascertain the facts related to the incident, the parties' responsibilities

24
25 ³ Petitioners are undocumented. Michelle was born in the United States and is a
citizen.

26
27 ⁴ During a mediation conducted by the Hon. Stewart Bell, District Judge (Ret.) of the
Eighth Judicial District Court, Clark County, Nevada (as a private mediator with JAMS.)

1 therefore, and the lack of availability of assets and/or insurance proceeds that may be
2 otherwise available to compensate the minor child for her injuries.

3 11. Petitioners fully understand that if the compromise herein proposed is approved
4 by this Court and her claim is compromised, Michelle shall be forever barred and prevented
5 from enforcing against Defendant Summerlin and former Defendant Rockwell Collins, Inc., by
6 execution or otherwise, any judgment that might be entered pursuant to any legal action which
7 may be brought.

8 12. Petitioners agreed to pay as attorneys' fees a contingency fee from all
9 settlement funds obtained, to Petitioner's attorney, LAW OFFICES OF STEVEN J. PARSONS, on behalf
10 of Michelle in the amount of Thirty-three and one-third percent (33⅓%) sum of all sums
11 recovered. Petitioners asks the Court approve her proposed payment to LAW OFFICES OF STEVEN
12 J. PARSONS the sum of Two thousand five hundred dollars (\$2,500.00) for attorney's fees.⁵

13 13. Nev. Rev. Stat. § 41.200, – Procedure for Compromising Claims of Minors,
14 provides in pertinent part:

15 "5. Upon receiving the proceeds of the compromise, the parent or
16 guardian to whom the proceeds of the compromise are ordered to be paid, shall
17 establish a blocked financial investment for the benefit of the minor with the
18 proceeds of the compromise. Money may be obtained from the blocked
19 financial investment only pursuant to subsection 6. Within 30 days after
20 receiving the proceeds of the compromise, the parent or guardian shall file with
21 the court proof that the blocked financial investment has been established. If
22 the balance of the investment is more than \$10,000, the parent, guardian or
person in charge of managing the investment shall annually file with the court
a verified report detailing the activities of the investment during the previous 12
months. If the balance of the investment is \$10,000 or less, the court may
order the parent, guardian or person in charge of managing the investment to
file such periodic verified reports as the court deems appropriate. The court may
hold a hearing on a verified report only if it deems a hearing necessary to
receive an explanation of the activities of the investment...

23 8. As used in this section, the term "blocked financial investment"
24 means a savings account established in a depository institution in this state, a
25 certificate of deposit, a United States savings bond, a fixed or variable annuity
26 contract, or another reliable investment that is approved by the court."

27 ⁵ Michelle's share of the costs of suit are being borne by her parents.

1 4. Petitioners propose that Michelle's net share of the funds in the amount of Two
2 thousand seven hundred five dollars (\$2,705.00) be deposited into a blocked account, as
3 required by Nev. Rev. Stat. § 41.200, to be held until Michelle reaches the age of 18 – on July
4 08, 2021 – or by further Order of the Court.

5 15. Because of Petitioners' immigration status, they are by law incapable of opening
6 such an account for Michelle. As such, Petitioners hereby nominate and petition the Court
7 to allow Esteban Guadarrama, their most trusted friend, to serve as trustee of Michelle's
8 blocked account, and that he be permitted to serve as trustee thereof, without need of a bond.

9 16. Mr. Guadarrama has consented to serve, without compensation or fees. Mr.
10 Guadarrama resides at 8201 Firethorn Lane, Las Vegas, NV 89123-2052. He is a citizen and
11 has been a resident of southern Nevada for approximately 22 years. Mr. Guadarrama is
12 married, a father himself, and is the owner and operator of a small business in Clark County,
13 Nevada. Mr. Guadarrama has indicated that he will open an account at Clark County Credit
14 Union ("CCCU") for the benefit of Michelle, the minor child, and deposit the net sum from this
15 settlement into the blocked account. The Petitioners and Mr. Guadarrama assert to the Court
16 that CCCU is a long-standing, reputable and licensed depository institution in Nevada, as
17 required by Nev. Rev. Stat. § 41.200.

18 17. Petitioners hereby recommend this compromise settlement to the Court as being
19 fair, reasonable and in the best interest of Michelle, the minor.

20 **WHEREFORE**, Petitioners, **MATGARITO LAGUNAS-SALAZAR**, and **CLEMENTINA**
21 **MONROY-MIRANDA**, each of them as Guardians *ad litem* of **MICHELLE MONROY**, an individual
22 minor, seek that the Court issue an Order:

23 1. Approving said compromise and settlement with adverse driver Defendant Dale
24 Summerlin;

25 2. Directing Petitioners to pay from the settlement proceeds the expenses incurred
26 in obtaining medical treatment and other care for Michelle's injuries, namely \$2,295.00 to
27 Green Valley Neck and Back Clinic and Dr. Jamie Warner.

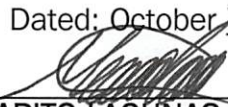
3. Directing Petitioners to also pay from the settlement proceeds the attorneys' fees incurred in obtaining the compromise and settlement, due LAW OFFICES OF STEVEN J. PARSONS – the sum of \$2,500.00.

4. Directing Petitioners to enlist the service of Esteban Guadarrama, the Petitioners' most trusted friend, to deposit Michelle's net share of the funds in the amount of \$2,705.00 in a blocked account at CCCU until Michelle reaches the age of 18 – on July 08, 2021 – or by further Order of the Court, with Mr. Guadarrama as trustee for the benefit of the minor, and that he be permitted to serve as trustee thereof without the need of a bond.


5. Directing Petitioners to execute a Release of Claims in favor Defendant Summerlin and directing Petitioners' counsel execute a stipulation for the Dismissal of the Amended Complaint.

6. For such other and further relief as the Court may deem just and proper.

Dated: October 25, 2016.



MATGARITO LAGUNAS-SALAZAR
as Guardian *ad litem* of
MICHELLE LAGUNAS-MONROY, an
individual minor



CLEMENTINA MONROY-MIRANDA
as Guardian *ad litem* of
MICHELLE LAGUNAS-MONROY, an
individual minor

Respectfully submitted by:

LAW OFFICES OF STEVEN J. PARSONS

/s/ Joseph N. Mott
JOSEPH N. MOTT
Nevada Bar No. 12455

Attorney for Petitioners and former Plaintiffs
MATGARITO LAGUNAS-SALAZAR and
CLEMENTINA MONROY-MIRANDA

ORDER

Upon the foregoing Petition, and good cause appearing,

IT IS HEREBY ORDERED, that:

1. Plaintiffs and Petitioners Matgarito Lagunas-Salazar and Clementina Monroy-Miranda's Petition for Compromise of Disputed Claims of Michelle Lagunas-Monroy, a minor, shall be and hereby is **APPROVED**;

2. Petitioners are permitted to and shall pay to the care providers from the settlement the \$2,295.00 in expenses related to Michelle Lagunas-Monroy's medical care;

3. Petitioners are permitted to and shall pay from the settlement the \$2,500.00 in attorneys fees;

4. Finally, Petitioners shall deposit Michelle Lagunas-Monroy's net recovery, \$2,705.00, into a blocked account at Clark County Credit Union until Michelle Lagunas-Monroy reaches the age of 18 on or after July 08, 2021, or by further Order of the Court.

Dated: November 1, 2016.

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

Submitted by:

LAW OFFICES OF STEVEN J. PARSONS

/s/ Joseph N. Mott
JOSEPH N. MOTT
Nevada Bar No. 12455

Attorney for Petitioners and former Plaintiffs
MATGARITO LAGUNAS-SALAZAR and
CLEMENTINA MONROY-MIRANDA



EXHIBIT “1”

EXHIBIT “1”

Medical records filed under seal